

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

1 JOHN P. DESMOND, ESQ.  
Nevada State Bar No. 5618  
2 jpd@jonesvargas.com  
JUSTIN J. BUSTOS, ESQ.  
3 Nevada State Bar No. 10320  
jbustos@jonesvargas.com  
4 MIRANDA MAHE, ESQ.  
Nevada State Bar No. 12032  
5 mmahe@jonesvargas.com  
JONES VARGAS  
6 300 East Second Street, Suite 1510  
PO Box 281  
7 Reno, Nevada 89504-0281  
Telephone: (775) 786-5000  
8  
9 Attorneys for Plaintiff  
BTaz Nevada, LLC

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 BTaz NEVADA, LLC, a Nebraska	)	CASE NO. 3:11-cv-00746-RCJ-VPC
14 limited liability company,	)	
15	)	
16 Plaintiff,	)	
17	)	
18 vs.	)	ORDER
19	)	
20 TRUCKEE RIVER RANCH, LLC,	)	
a Nevada limited liability company, and	)	
RO CATTLE COMPANY, LLC, a	)	
Nevada limited liability company,	)	
Defendants.	)	

21 Presently before the Court are Plaintiff BTaz Nevada, LLC's Ex Parte Motion For An Order  
22 to Show Cause Why Prejudgment Writ of Attachment Should Not Issue (# 2<sup>1</sup>) and Motion for Order  
23 to Show Cause Why Prejudgment Writ of Garnishment in Aid of Attachment Should Not Issue (#  
24 10).

25 On October 18, 2011, this Court issued a Minute Order (# 4) scheduling oral argument for  
26 October 25, 2011, at 10:00 a.m. in Reno Courtroom 6. On October 20, 2011, Plaintiff filed  
27 Affidavits of Service (## 7, 8) indicating that Defendants, Truckee River Ranch, LLC and RO Cattle  
28

<sup>1</sup> Refers to the Court's Docket number.

1 Company, LLC, were served with the Court's October 25, 2011, Minute Order along with Plaintiff's  
2 Ex Parte Motion for Order to Show Cause.

3 The Court heard this matter on October 25, 2011. Defendants failed to appear or otherwise  
4 oppose Plaintiff's motions. As a preliminary matter, the Court finds that Plaintiff has established the  
5 availability of attachment as there is a contract for the direct payment of money at issue here. The  
6 facts presented before the court show that Plaintiff has raised a meritorious claim. Plaintiff has  
7 raised serious questions which indicate a claim for relief. Further, through the affidavit in support  
8 of the Motion for Order to Show Cause Why Prejudgment Writ of Garnishment in Aid of  
9 Attachment Should Not Issue (# 10), Plaintiff has shown that Truckee River Ranch, LLC has  
10 already begun concealing or selling some of the 500 tons of hay and may conceal or sell the rest of it  
11 and that RO Cattle Company, LLC has already sold the 733 cattle. Good cause appearing,

12 IT IS HEREBY ORDERED that Plaintiff's Ex Parte Motion for Order to Show Cause Why  
13 Prejudgment Writ of Attachment Should Not Issue is GRANTED.

14 IT IS FURTHER ORDERED that Plaintiff's Motion for Order to Show Cause Why  
15 Prejudgment Writ of Garnishment in Aid of Attachment Should Not Issue is hereby GRANTED.

16 The amount for which the attachment and garnishment will issue in this action is  
17 \$396,423.45.

18 Prior to attachment and garnishment, a written undertaking on the part of Plaintiff payable in  
19 lawful money of the United States in a sum equal to the value of the property attached shall be given  
20 before the Writs herein will issue.

21 The names of all third persons upon whom writs of garnishment in aid of writ of attachment  
22 may be served are: Superior Livestock Auction, a Texas corporation

23 After the issuance of said writs of attachment and garnishment, Plaintiff may cause said  
24 writs to be served by private process server, United States Marshall, or as otherwise permitted by the  
25 Federal Rules of Civil Procedure.

26 The property to be attached and garnished is properly described as follows:

27 1. 500 tons of hay belonging to Truckee River Ranch, LLC that is or was on the  
28 property at issue in this action.

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

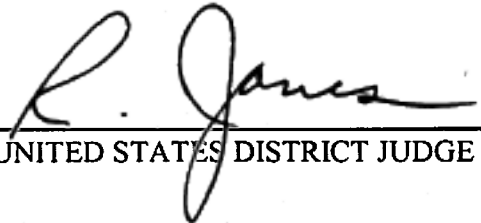
1           2.       The proceeds, up to \$396,423.45, owed to Defendant RO CATTLE COMPANY,  
2 LLC, for the sale of 733 cattle that were grazed on the property at issue in this action.

3           The U.S. Marshall may attach Truckee River Ranch, LLC's hay through placing Clyde  
4 Magnuson (phone number 435-749-1034), the new Ranch Manager of the property at issue here, as  
5 the keeper in charge of the hay as provided for in NRS 31.060(2)(b).

6           IT IS SO ORDERED.

7           Dated: 11-02-2011

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
UNITED STATES DISTRICT JUDGE

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

1 JOHN P. DESMOND, ESQ.  
 Nevada State Bar No. 5618  
 2 jpd@jonesvargas.com  
 JUSTIN J. BUSTOS, ESQ.  
 Nevada State Bar No. 10320  
 3 jbustos@jonesvargas.com  
 MIRANDA MAHE, ESQ.  
 Nevada State Bar No. 12032  
 4 mmahe@jonesvargas.com  
 JONES VARGAS  
 5 300 East Second Street, Suite 1510  
 PO Box 281  
 6 Reno, Nevada 89504-0281  
 Telephone: (775) 786-5000  
 7 Attorneys for Plaintiff  
 BTAZ Nevada, LLC  
 8  
 9  
 10

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

13 BTAZ NEVADA, LLC, a Nebraska  
 limited liability company,

14 Plaintiff,

15 vs.

16 TRUCKEE RIVER RANCH, LLC,  
 17 a Nevada limited liability company, and  
 RO CATTLE COMPANY, LLC, a  
 18 Nevada limited liability company,

19 Defendants.

CASE NO. 3:11-cv-00746-RCJ-VPC

WRIT OF ATTACHMENT

20  
 21 THE UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA TO THE U.S.  
 MARSHALL, GREETINGS:

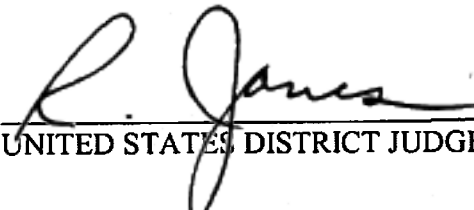
22 YOU ARE HEREBY COMMANDED to attach and safely keep the property of the  
 23 Defendants, or appoint Clyde Magnuson as keeper of the property of the Defendants, in order to  
 24 satisfy the Plaintiff's demand of \$396,423.45 exclusive of interest and costs.

25 The property to be attached, which is not exempt from execution and the value of which  
 26 does not exceed the Plaintiff's demand, is described as follows: 500 tons of hay belonging to  
 27 Truckee River Ranch, LLC that is or was on the property at issue in this action. The 500 tons of hay  
 28

1 was last believed to be located next to the livestock pens on the RO Ranch, RO Ranch Road, Round  
2 Mountain, Nevada.

3 If the Defendant shall give you security in lawful money of the United States or by posting a  
4 bond or by the undertaking of at least two sufficient sureties in an amount equal to the lesser of the  
5 Plaintiff's demand exclusive of costs or the value of the property levied upon, then you shall accept  
6 such bond or undertaking in lieu of attaching the aforesaid property. You are required to serve and  
7 return this Writ and with the results of your levy endorsed thereon.

8  
9 Dated this 2nd day of November, 2011.

10   
11 UNITED STATES DISTRICT JUDGE

12 Prepared & Submitted by:

13 JONES VARGAS

14  
15 By: /s/ John P. Desmond  
16 JOHN P. DESMOND  
17 Nevada State Bar No. 5618  
18 JUSTIN J. BUSTOS  
19 Nevada State Bar No. 10320  
20 MIRANDA MAHE  
21 Nevada State Bar No. 12032  
22 300 East Second Street, Suite 1510  
23 P.O. Box 281  
24 Reno, NV 89504-0281

25  
26 Attorneys for Plaintiff  
27 BT&Z Nevada, LLC  
28

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

1 JOHN P. DESMOND, ESQ.  
Nevada State Bar No. 5618  
2 jpd@jonesvargas.com  
JUSTIN J. BUSTOS, ESQ.  
3 Nevada State Bar No. 10320  
jbustos@jonesvargas.com  
4 MIRANDA MAHE, ESQ.  
Nevada State Bar No. 12032  
5 mmahe@jonesvargas.com  
JONES VARGAS  
6 300 East Second Street, Suite 1510  
PO Box 281  
7 Reno, Nevada 89504-0281  
Telephone: (775) 786-5000

8 Attorneys for Plaintiff  
9 BTAZ Nevada, LLC

10  
11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 BTAZ NEVADA, LLC, a Nebraska  
14 limited liability company,

15 Plaintiff,

16 vs.

17 TRUCKEE RIVER RANCH, LLC,  
a Nevada limited liability company, and  
18 RO CATTLE COMPANY, LLC, a  
Nevada limited liability company,

19 Defendants.  
20

CASE NO. 3:11-cv-00746-RCJ-VPC

WRIT OF GARNISHMENT

21 TO: RO CATTLE COMPANY, LLC, and SUPERIOR LIVESTOCK AUCTIONS:

22 You are hereby notified that you are attached as garnishee in the above-entitled action and  
23 you are commanded not to pay any debt due from yourself to Plaintiff BTAZ NEVADA, LLC  
24 ("Plaintiff"), and that you must retain possession and control of all personal property, money,  
25 credits, debts, and effects and choses in action of said Plaintiff, in order that the same may be dealt  
26 with according to law; where the amount you shall retain shall be used in accordance with 15 United  
27 States Code § 1673 and Nevada Revised Statutes § 31.295. Plaintiff states that it has good reason to  
28 believe, and does believe that RO Cattle Company, LLC has property, money, goods, and chattels,

1 credits, or effects, in your hands and under your custody and control belonging to said Plaintiff  
 2 described as the proceeds from the sale of 733 Cattle, which have a delivery date in November  
 3 2011.

4 YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment  
 5 to answer the interrogatories set forth herein and to return your answers to the United States  
 6 Marshall which has issued this Writ of Garnishment. In case of your failure to answer the  
 7 interrogatories within 20 days, a judgment by default in the amount due the Plaintiff may be entered  
 8 against you.

9 YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of  
 10 Garnishment on Plaintiff's attorney whose address appears below.

11 Dated this 2nd day of November, 2011.

12 JONES VARGAS

13  
 14 By: /s/ John P. Desmond  
 15 JOHN P. DESMOND  
 16 Nevada State Bar No. 5618  
 17 JUSTIN J. BUSTOS  
 18 Nevada State Bar No. 10320  
 19 MIRANDA MAHE  
 20 Nevada State Bar No. 12032  
 21 300 East Second Street, Suite 1510  
 22 P.O. Box 281  
 23 Reno, NV 89504-0281

24 Attorneys for Plaintiff  
 25 BTAZ Nevada, LLC

By:   
 UNITED STATES DISTRICT JUDGE

26 **INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH**

27 1. Are you in any manner indebted to the Defendant, RO Cattle Company, LLC ("Defendant"),  
 28 either in property or money, and is the debt now due? If not due, when is the debt to become due?

State fully all particulars:

ANSWER:

1 2. Did you have in your possession, in your charge or under your control, on the date the Writ  
2 of Garnishment was served upon you any money, property, effects, goods, chattels, rights, credits or  
3 choses in action of the Defendant, or in which Defendant is interested? If so, state its value and  
4 state fully all particulars.

5 ANSWER:  
6  
7  
8  
9  
10  
11

12 3. Do you know of any debts owing to the Defendant, whether due or not due, or any money,  
13 property, effects, goods, chattels, rights, credits or choses in action, belonging to the Defendant, or  
14 in which Defendant is interested, and now in the possession or under the control of others? If so,  
15 state particulars.

16 ANSWER  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177



1 4. State your correct name and address, or the name and address of your attorney upon whom  
2 written notice of further proceedings in this action may be served.

3 ANSWER:

4  
5 \_\_\_\_\_  
Garnishee

6 STATE OF NEVADA )  
7 ) ss.  
8 COUNTY OF CHURCHILL )

9 I, \_\_\_\_\_, do solemnly swear (or affirm) that the answers to the foregoing  
10 interrogatories subscribed by me are true.

11  
12 \_\_\_\_\_  
Garnishee

13 SUBSCRIBED and SWORN to before  
14 me this \_\_\_\_ day of \_\_\_\_\_, 2011.

15  
16 \_\_\_\_\_  
Notary Public

JONES VARGAS  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

**INSTRUCTIONS TO THE UNITED STATES MARSHAL**

BTAZ NEVADA, LLC, a Nebraska limited liability company,	)	CASE NO. 3:11-cv-00746-RCJ-VPC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
TRUCKEE RIVER RANCH, LLC,	)	
a Nevada limited liability company, and	)	
RO CATTLE COMPANY, LLC, a	)	
Nevada limited liability company,	)	
	)	
Defendants.	)	

---

**UNITED STATES DISTRICT COURT,  
DISTRICT OF NEVADA**

**TO: UNITED STATES MARSHAL:**

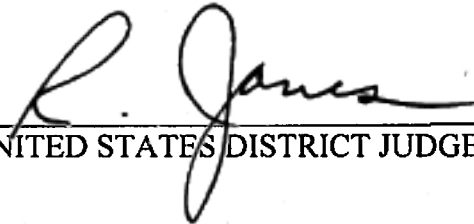
You are hereby instructed to execute on the Writ of Attachment and Garnishment by virtue of the attached Writ of Attachment and Writ of Garnishment in aid of Attachment, in the above-entitled suit, by following the below instructions:

- (1) Serve, via U.S. Mail, the Notice of Attachment/Execution on the named Defendants, TRUCKEE RIVER RANCH, LLC, and RO CATTLE COMPANY, LLC, at their last known address, 2258 Reno Highway, Ste. B, Fallon, NV 89406, pursuant to N.R.S. 21.076.
- (2) Serve the Writ of Garnishment on SUPERIOR LIVESTOCK AUCTION, a Texas corporation at 131 E. Exchange Ave., Ste 121, Fort Worth, TX 76164 and on TRUCKEE RIVER RANCH, LLC at 2258 Reno Highway, Ste. B, Fallon, NV 89406.
- (3) Attach and keep safely all monies owed to plaintiff or appoint Clyde Magnuson (phone number 435-749-1034) as a keeper to keep safely all monies owed to plaintiff
- (4) Inform the undersigned when the Writ of Attachment and Writ of Garnishment in aid of Attachment have been served.

It is hereby acknowledged that vague or otherwise unenforceable instructions shall not be processed and will be returned to the preparer for redrafting. Bench Warrants must include DOB, and Social Security Number. Instructions to execute on vehicles must include VIN #,

make, model, year, Lic. # and color. All other personal or real property attached or executed upon must have complete description. Advance money deposit is required with all instructions on property to be placed in storage or in custody of a keeper (NRS 31.065). Incomplete or unsigned instructions will not be accepted for service.

DATED this 2nd day of November, 2011.

  
UNITED STATES DISTRICT JUDGE

Prepared & Submitted by:

**JONES VARGAS**

By: /s/ John P. Desmond  
JOHN P. DESMOND  
Nevada State Bar No. 5618  
JUSTIN J. BUSTOS  
Nevada State Bar No. 10320  
MIRANDA MAHE  
Nevada State Bar No. 12032  
300 East Second Street, Suite 1510  
P.O. Box 281  
Reno, NV 89504-0281

Attorneys for Plaintiff  
*BTAZ Nevada, LLC*

**MARSHAL'S COMMENTS AND/OR ACTIONS**

Include dates, times and mileage. Verify all VINs before calling tow service.